IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 5673 of 2005

Between:

Jalagapu Ilaiah, S/o.Narasaiah
r/o.Nagaram Village, Parkal Mandal, Warangal District.

..... PETITIONER

AND

1 The District Collector, Warangal.
2 District Panchayat Officer, Warangal Distlrict.
3 The Grampanchyat (Village Secretariat) rep. by its Secretary, Nagaram, Parkal Mandal, Warangal.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a suitable writ order or direction more particularly one in the nature of writ of Mandamus declaring the action of the Respondent No.3 in disconnecting the water supply to my house bearing door No.2-104 of Nagaram Village, Parkal Mandal, Warangal Districtas illegal arbitrary and violative of Article 21 of the Constitution of India and further direct the respondents to restore water connection forthwith to my house bearing Door No.2-104 of Nagaram Village, Parkal, Mandal Warangal District and pass such other order or orders.

Counsel for the Petitioner : SMT. S.A.V.RATNAM

Counsel for the Respondents : GP FOR Panchayat Raj and Rural Development

The Court at the stage of admission made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.5673 OF 2005

ORDER :

The writ petitioner claims to be the owner of house bearing Door No.2-104 in Rajaka Street of Nagaram Village, Parkal Mandal, Warangal District. It is stated that on 12-1-2004, the staff of the third respondent Gram Panchayat disconnected the water connection to the petitioner's house and put a seal to the tap. The petitioner states that he has been paying the water user charges regularly and that there are no dues at all and that the action of the third respondent in disconnecting the water supply without there being any justifiable reason and particularly without prior notice is arbitrary and illegal. It is also alleged that the disconnection was only due to his political rivalry with the Sarpanch of Gram Panchayat since both of them belong to different political parties. It is stated that though the petitioner made several requests for restoration of water connection, the third respondent failed to respond. The petitioner got issued a legal notice dated 5-2-2005 and also made a representation on 14-2-2005. However, the same were not considered by the respondent. Hence, this writ petition seeking a declaration that the inaction disconnecting the water

supply to the petitioner's house is arbitrary and illegal.

On behalf of the third respondent – Gram Panchayat, a counter-affidavit has been filed stating that the petitioner paid the last bill for water user charges on 13-5-2003 and thereafter he fell in arrears. He also failed to pay the house tax for the last seven years. When the staff of the Panchayat visited his house for collection of the taxes and attempted to inform about the proposed disconnection, they were abused. In the circumstances, the water connection was disconnected. The allegations made by the petitioner that the disconnection of water supply was due to political rivalry has been denied and it is stated that as a matter of fact the petitioner was served with a Demand Notice No.802, dated 19-8-2004 with regard to the house tax and so far as the water charges, the Bill No.11, dated 5-6-2004 was served on him calling upon to pay the arrears within 15 days, failing which action will be taken under Section 34 of The A.P. Gram Panchayat Act. Hence, the writ petition is misconceived and liable to be dismissed.

Having heard the learned Counsel for both the parties and having perused the material on record, it appears that the writ petitioner is one among the defaulters in the village and both house tax as well as the water charges are due in respect of the petitioner's house. The specific case of the third respondent is that in spite of the notices served on him, the petitioner failed to pay the said amounts. That apart, the staff of the third respondent Gram Panchayat who visited the petitioner's house were abused. In the circumstances, I am unable to find fault with the action of the third respondent in disconnecting the water supply to the petitioner's house. However, having regard to the facts and circumstances of the case, the Writ Petition is disposed of with a direction to the third respondent to issue a fresh demand with regard to the dues payable by the petitioner towards the water user charges within a period of two weeks from the date of receipt of this order. On payment of the said charges by the petitioner, the water connection to the petitioner's house shall be restored. It is made clear that in case the petitioner is aggrieved by the quantum of charges, it is open to him to challenge the same by working out the appropriate remedy as available under the law.

The Writ Petition is accordingly disposed of. No costs.

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10th June, 2005.

gbs

To

1 The District Collector, Warangal.
2 The District Panchayat Officer, Warangal Distlrict.
3 The Grampanchyat (Village Secretariat) rep. by its Secretary, Nagaram, Parkal Mandal, Warangal.

4. Two CCs to G.P. for Panchayat Raj & Rural Development, High Court of AP Bldgs, Hyderabad (OUT).

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